



11 JAN 2007

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In re Application of :
PAEK, Seungyup et al :
Application No.: 09/831,215 :
PCT No.: PCT/US99/26127 :
Int. Filing Date: 05 November 1999 : DECISION
Priority Date: 06 November 1998 :
Attorney's Docket No.: 32282-PCT-USA :
For: IMAGE DESCRIPTION SYSTEM AND :
METHOD :
:

This decision is in response to applicants' "Petition Under 37 C.F.R. § 1.28(c)" filed on 26 October 2006.

Applicants state that they "have discovered that the above identified patent application was filed with an erroneous claim of small entity status applicant's status as a small entity was established in error." 37 CFR 1.28(c) states:

If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section

Applicants' statement is sufficient to meet the requirements of 37 CFR 1.28(c). However, applicants failed to comply with the requirements of 37 CFR 1.28(c)(2).

Applicants included only the total claims fee and multiple dependent claims fee in their itemization of deficiency owed. A review of the fees paid in the application shows that applicant also paid extension fees pursuant to a petition under 37 CFR 1.47(a) on 07 June 2002, 15 July 2003 and 19 February 2004. In addition, the small entity basic national fee of \$345.00 was refunded improperly. This fee has been charged to Deposit Account No. 02-4377 as authorized and must be included in the itemization.

Applicants must submit another itemization of the deficiency payment to include the basic national fee and extension of time fees paid within **ONE (1) MONTH** from the date of

mailing of this decision. No extensions of time are allowed pursuant to 37 CFR 1.28(c)(3).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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